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Breaches Of Trust

The problem is not Caspar Weinberger. The problem is not George Bush. The real problem that was revealed—again—by the presidential pardon of former secretary of defense Weinberger and those other Iran-contra figures is bigger and more bothersome.

The real problem is that we have not found any effective method to instruct White House and executive branch officials on their duty to obey the law, because we have failed as a society to express our contempt and disgust for those who violate their oaths of office with such impunity.

The record is depressing. All those top White House and Justice Department officials in the Nixon administration went to jail for their parts in planning, or covering up, Watergate. You would have thought that would send a message clear enough for anyone to grasp. But the U.S. attorneys and special prosecutors have been kept busy by successor administrations. The crimes and the coverups go right on.

The deterrent effect of these much-publicized cases has been minimal. It may be, as some suggest, that the impact would be different if the White House crooks were sent to the slammer

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with criminals of less distinction, instead of being allowed to do their time at Allenwood or other prison farms where the amenities are not so scarce.

But I'm not sure that even the threat of Stateville or San Quentin would convince these characters that Americans mean what they say when they talk about this being a government where no one is above the law.

Frankly, they have good reason to doubt it. The criminal justice system works only when the crimes involved

are those that evoke genuine abhorrence from the society. Murder, rape, kidnapping, aggravated assault, distribution of hard drugs—these are the easy cases. The perpetrators are locked up—sometimes, even put to death—because we think their actions abominable.

A curtain of shame also descends on those who recklessly endanger the lives of others—drunken drivers, for example, or makers of dangerous machinery. We don't draw the line as clearly on perpetrators of financial fraud, even though they also often ruin people's lives. Too often, a stock market manipulator or crooked speculator/developer wins sympathy by pointing to good works he has done.

But the real difficulty arises when

the crime is not against an individual but against the society as a whole, its vital institutions or its Constitution. That is where we go squishy soft and lose our moral bearings.

Many of the Watergate figures became celebrities who stepped out of jail into lucrative work on the book-and-author lecture circuit or as permanent fixtures on the TV and radio talk shows. Oliver North, who was convicted of "obstructing Congress" by giving false testimony in the Iran-contra case, was in great demand as a fund-raiser for congressional candidates. With his conviction overruled by an appeals court finding that the trial may have been tainted by witnesses' knowledge of the statements that North had made under a grant of immunity to congressional investigators, he is now getting ready to run for the U.S. Senate in Virginia. Jefferson and Madison must be spinning in their graves.

Far worse, look at the case of Richard Nixon, the "unindicted co-conspirator" in the Watergate coverup, forced to resign from the presidency and then pardoned. Here is a man who sanctioned a secret police operation from the White House itself, a man who subjected his country to two years of incredible stress and division while trying to protect himself from the consequences of his own crimes.

So what happens to him? After a minimal period of penance, he resumes his role as commentator-in-chief on national and international affairs, welcomed with standing ovations by such organizations as the American Society of Newspaper Editors and the American Newspaper Publishers Association—the very people whose reporters were wire-tapped by the Nixon White House.

Today, many of those newspapers are condemning Bush for pardoning Weinberger and for failing to acknowledge the wrongdoing in the Iran-contra affair. They should look to their own behavior before they cast stones.

And so should we all. The voters were outraged by the petty finagling of the House bank scandal, but forgive far more serious breaches of trust. Until this society is prepared to condemn and to shun those who abuse their governmental authority, there is no point in having special prosecutors or others trying to squeeze these cases through the criminal justice system.

We don't need more convictions and pardons of government officials. We need scorn and shame for those who violate their oaths of office. And that is a penalty that the American people—and only the American people—can invoke.